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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,663	06/20/2001	Ralph W. Heim	033449-500-CI	4897

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EXAMINER

GORDON, STEPHEN T

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 02/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application 09/825,663	Applicant(s) Heimet J.	
	Examiner Gordon	Art Unit 3612	Confirmation No.

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 12-16-02
- ☐ This action is FINAL. ☒ This action is non-final.
- ☐ Since this application is in condition for allowance except for the formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-25 + 32-54 is/are pending in this application.
- Of the above claim(s) 20-25, 32-42 + 53 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-19, 49-52 + 54 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved or ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- ☐ The drawing(s) filed on _____ is/are ☐ accepted or ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- ☐ The translation of the foreign language provisional application has been received.
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

1. Claims 20-25, 32-48, and 53 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention. Election was made without traverse in Paper Nos. 5 and 7.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: label 104' in figures 8 and 9 (3 places total). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The disclosure is objected to because of the following informalities: "74" on page 9 - line 17 should be --76--. Additionally, the status of the parent application should be updated at the beginning of page 1 to reflect the issued patent.

Appropriate correction is required.

4. Claims 1-19, 49-52, and 54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1, line 5 is somewhat confusing, and "a trailer chassis" could be replaced with --said trailer chassis-- to correct the claim in this regard as best understood.

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~~Re claim~~ 12, lines 1-2 are awkward/confusing, and the last "said" in line 1 should apparently be deleted to correct the claim.

~~Re claim~~ 18, "said one of said openings" lacks clear antecedent basis.

~~Re claim~~ 52, the recited step of driving at least one vehicle in line 3 apparently constitutes a double inclusion of the vehicle driving step of the base claim.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5, 8; 10, 11, and 49-51, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Paulyson.

Paulyson teaches a method of transporting vehicles including providing a module/container 14 and locating the module (i.e. the detachable ISO container) on a tractor and trailer assembly wherein the trailer/module assembly is located adjacent an external surface 70 so that transported vehicles may be driven from the surface into the module.

Re claim 2, the module is deemed sized as broadly claimed.

Re claim 3, the module is stackable.

Re claims 4 and 49, the trailer is configured as claimed.

Re claim 5, the reference teaches driving to a desired location.

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Re claims 8 and 51, the reference teaches driving the vehicles out of the module at the destination location.

Re claim 10, ramps 71 and 80 are utilized for loading.

Re claim 11, the ramps 71 and 80 are uncoupled when loading is complete and transported with the trailer.

Re claim 50, the module is detachable coupled to the trailer.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6 and 7, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulyson in view of Gearin et al '067.

Paulyson teaches all of the claimed features as discussed regarding claim 5 above but fails to specifically teach uncoupling of the module and placement on a carrier for further transport and stacking of the modules.

Gearin et al teaches uncoupling an ISO container/module from a transport and stacking modules on a carrier for further transport - see figure 4 etc.

In order to utilize the Paulyson system for more efficient multiple container transport, it would have been obvious to one of ordinary skill in the art to uncouple the module from the

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transport and stack the module with other modules on a further carrier in view of the teachings of Gearin et al.

9. Claims 12-16 and 52, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulyson in view of Rumell.

Paulyson teaches all of the claimed features as discussed regarding claim 1 above but fails to specifically locating the pivoting/locating the module via pivoting structure as recited.

Rumell teaches use of a hydraulic fifth wheel assembly and a forwardly movable wheel assembly to facilitate loading/unloading of a cargo load to a tractor trailer - see figures 1 and 2 etc.

In order to allow more system flexibility and facilitate loading from lower level external surfaces, it would have been obvious to one of ordinary skill in the art to fabricate the tractor trailer of Paulyson to include a hydraulic fifth wheel assembly and movable wheelset to facilitate loading/unloading in view of the teachings of Rumell.

Re claim 52, the Paulyson system as modified by Rumell would be pivoted in first and second directions as recited during use.

10. Claims 9, 17-19, and 54 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note at least Smidler and Lohr teaches lowering a tractor trailer toward the ground to facilitate loading of vehicles.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (703) 308-2556.

stg

February 7, 2003

 2/7/03
STEPHEN T. GORDON
PRIMARY EXAMINER